

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: VOLKSWAGEN "CLEAN DIESEL"
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION**

Wirig v. Volkswagen Group of America, Inc.,)
D. Maryland, C.A. No. 1:16-01120)

MDL No. 2672

ORDER REINSTATING STAY OF CONDITIONAL TRANSFER ORDER

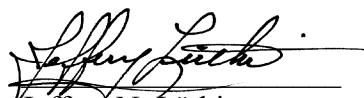
On April 19, 2016, the Panel filed in this docket a conditional transfer order (CTO-36) pertaining to this action (*Wirig*). Plaintiff in *Wirig* filed a timely notice of opposition, but then failed to file the required motion and brief to vacate the conditional transfer order. The stay of transmittal with regard to *Wirig* was lifted on May 10, 2016, and the action was transferred to the Northern District of California. Subsequently, on May 10, 2016, plaintiff in *Wirig* filed a motion for reconsideration, which the Panel will construe as a motion to reinstate the conditional transfer order. In his motion, plaintiff, through counsel, states that he filed a substantive notice of opposition and did not believe that further pleadings would be required. Defendant Volkswagen Group of America, Inc., opposes plaintiff's construed motion to reinstate the conditional transfer order.

Panel Rule 7.1(f) states that after filing a notice of opposition, a party "*shall* file a motion to vacate the CTO and a brief in support thereof." The rule further states that failure to file said motion and brief shall be deemed as a withdrawal of the opposition. Plaintiff's belief that his substantive notice of opposition constituted a suitable substitute for the required motion and brief to vacate was in error. Nevertheless, the Panel will reinstate the conditional transfer order in *Wirig* in order to permit plaintiff to pursue his opposition to transfer.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-36" filed on April 19, 2016, is REINSTATED insofar as it relates to this action.

IT IS FURTHER ORDERED that, pursuant to Panel Rule 6.1(e), plaintiffs' motion and brief to vacate the conditional transfer order are due on or before May 13, 2016.

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel